

filed with the clerk of the district court.

Amendment No. 1.

Amend S. B. No. 28 by striking out Section XLII and inserting in lieu thereof the following:

"Sec. XLII. Until otherwise fixed by the Board of Governors, the annual membership fee for active members shall be the sum of \$3.00 payable on or before January 1st of each year, provided however, the Board of Governors shall have the power to increase such fee to a sum not exceeding \$7.00."

Amendment No. 2.

Amend S. B. No. 28 by inserting a new sentence at the end of Section VIII reading as follows: "No member of the Board of Governors shall hold office as such for more than two successive terms."

Amendment No. 3.

Amend S. B. No. 28 by striking out Section XXVIII and inserting in lieu thereof the following: "The rules and regulations of professional conduct adopted by the Board, when approved by the Supreme Court, shall be binding upon all members of the State Bar, and the wilful breach of any such rule upon conviction after trial as provided in Section XXV hereof, shall be punishable by the suspension from the practise of law for a period not to exceed one year."

Amendment to S. B. No. 28.

Amend S. B. No. 28 by striking out the word "may" in Section XLV and inserting in lieu thereof the word "shall."

SIXTIETH DAY (Continued).

Senate Chamber,
Austin, Texas,
April 20, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 50.

By unanimous consent, consideration of S. B. No. 50 was deferred

until the arrival of the Senate Journals for yesterday, with the understanding that the bill would be taken up at that time.

Bills Introduced.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Woodul:

S. B. No. 523, A bill to be entitled "An Act repealing Article 680 of the Penal Code of the State of Texas, 1925, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Purl:

S. B. No. 524, A bill to be entitled "An Act to amend Article 287, Chapter 2, Title 7, of the Penal Code of 1925, providing further exemptions from the provisions of Articles 283 and 286 of the Penal Code of 1925, relative to the conduct of business and the sale of provisions on Sunday."

Read and referred to Committee on Criminal Jurisprudence.

Free Conference Report.

Senator Poage sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, April 19, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on H. B. No. 150,

Have had the same under consideration, and beg leave to report back that we have adjusted the differences between the two Houses and recommend that the bill be passed as heretofore finally passed by the Senate, with the following amendment:

That the words "and if there are no liens for taxes against said property" as inserted by amendment of-

ferred by Senator Oneal be stricken out of Section 1 of said bill.

Respectfully submitted,

MORRISON,
MAGEE,
SAVAGE,
McCULLOUGH,
POPE.

On part of the House.

POAGE,
SANDERFORD,
PACE,
MOORE.

On part of the Senate.

The report was read and adopted by the following vote:

Yeas—22.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Fellbaum.	Russek.
Greer.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.

Nays—4.

Collie.	Murphy.
Holbrook.	Pace.

Absent.

Regan.

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Senate Bill No. 312.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senator Stone:

S. B. No. 312, A bill to be entitled "An Act to add to the Revised Civil Statutes of Texas a new article to be known as Article 6479-a, relating to the frequency of freight train service required on railroads in this State, and the furnishing of freight cars for loading; and repealing all conflicting laws and parts thereof; and declaring an emergency."

Read second time.

Senator Stone sent up the following amendments:

Amend S. B. No. 312, Section 1,

by striking out the brackets and words "which number may be one." STONE.

Read and adopted.

Amend S. B. No. 312 by striking out all of Section 2, and insert in lieu thereof the following:

This Act shall be cumulative of and in addition to all other laws of this State.

STONE.

Read and adopted.

Amend S. B. No. 312, Section 1, by inserting the words "notice and" in line 18 following the word "after." STONE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 312 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

[Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.

Sanderford. Woodruff.
Small. Woodul.
Stone.

Absent—Excused.

Hopkins. Rawlings.
Oneal. Woodward.

Senate Simple Resolution No. 90.

Senator Parr sent up the following resolution:

Whereas, During the past two regular sessions of the Legislature the salary of the Sergeant-at-arms has been fixed at \$10.00 per day.

Whereas, A cut of twenty-five per cent as recommended by the Democratic platform would be fair at this time. Therefore, be it

Resolved, By the Senate that the salary of the Sergeant-at-arms be fixed at \$7.50 per day during this session the same as the Sergeant-at-arms of the House of Representatives.

PARR,	HOPKINS,
RUSSEK,	NEAL,
REGAN,	MARTIN,
REDDITT,	BLACKERT,
PACE,	COLLIE,
PATTON,	FELLBAUM,
GREER,	SANDERFORD,
STONE,	DUGGAN,
WOODUL,	WOODUL,
RAWLINGS,	BECK,
COUSINS,	HORNSBY,
SMALL,	

Read and referred to Committee on Contingent Expenses.

Senate Bill No. 331.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senators Redditt and Cousins:
S. B. No. 331, A bill to be entitled "An Act to amend Article 6479 of the Revised Civil Statutes of Texas, as amended by Chapter 198 of the Acts of the First Called Session of the Thirty-ninth Legislature relating to passenger service on railroads, by providing for a relaxation by the Railroad Commission of Texas, under prescribed conditions, of the requirement of one train each day, Sundays excepted, and declaring an emergency."

Read second time.

Senator Redditt sent up the following amendments:

Amend S. B. No. 331, Section 1, page 1 by striking out the letter "a" after the "after" in line 22 and inserting the words "notice and."

REDDITT.

Read and adopted.

Amend S. B. No. 331, Section 1, page 1 by striking out the words "full actual" in line 30.

REDDITT.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 331 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

Absent.

DeBerry.

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Senate Bill No. 470.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Cousins:

S. B. No. 470, A bill to be entitled "An Act to provide that agreements between merchants to reduce the sales price of merchandise shall not be unlawful, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 470 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Pace.	

Nays—1.

Murphy.	Absent.
DeBerry.	

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Senate Bill No. 145.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Small:

S. B. No. 145, A bill to be entitled "An Act making it unlawful to connect to or tap or drill into any pipe line or other conduit through which crude oil, naphtha, gas, casinghead gas or any of the manufactured or natural products thereof is transported, and declaring such acts to be felonies, prescribing a penalty therefor, and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 145 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Senate Bill No. 383.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Beck:

S. B. No. 383, A bill to be entitled "An Act to amend Chapter 206, Section 20a of the General Laws of the Regular Session of the Forty-second Legislature; relating to changing the budget by the Legislature or the county commissioners court; and declaring an emergency."

Read second time.

Senator Redditt sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 383 by adding thereto the following which amends Art. 688 and 689, Revised Civil Statutes of Texas, so the same being amended shall read as follows:

"Article 688. Estimates submitted. The head of each department, school, institution, and of the prison system, and the head of any of the divisions or departments of government for which appropriations are made by the Legislature, shall submit to the State Board of Control, not later than September 20th of each year preceding the regular biennial session of the Legislature, an itemized account of all items of expenses for the preceding two years, and an estimate of the appropriations required by such department, school or institution or by the prison system for the regular biennial appropriation made by the Legislature which estimate shall be submitted, itemized in such manner as the Governor may require."

"Article 689. Shall investigate estimates, etc. The Board of Control shall inspect the properties, equipment and facilities of the various agencies of the government for which appropriations are to be made either before or after such estimates are submitted, and consider the same and give hearings on estimates of those who have submitted the same, and shall obtain information from every available source including the reports from its auditors and examiners. After such hearings, the Board shall make up an appropriation budget, said budget shall be completed by the Board of Control and transmitted to the Governor not later than November 15th of the year immediately preceding the meeting of the regular biennial session of the Legislature. The Board of Control shall so prepare the budget as to show the expenditures on the same lines with the appropriated amounts for the respective items, and in such form and with such other itemization as the Governor may prescribe. The list of appropriations shall be shown for the three (3) years preceding the years for which appropriations are sought and recommended for the ensuing biennium, and the expenditures shall be shown for the first two (2) of the last above mentioned years. The budget shall also show the amounts requested by the various agencies of the government and the amounts recommended by the Board of Control for each of the years of the ensuing biennium and a blank space shall be left opposite each recommendation of the Board of Control wherein the Governor shall insert the amount which he recommends for each item contained in the budget. The Governor and the Governor-elect shall have the right to sit with the Board of Control on any and all of its budget hearings, and all hearings held by the Board of Control while considering budgets for the various departments, institutions and agencies of the State Government shall be open to the public."

REDDITT.

Read and adopted.

Amendment No. 2.

Amend S. B. No. 383 by adding Section No. 6, which amends Sec. No. 6 of Chapter 206 of the General

Laws of the Forty-second Legislature and said Section is hereby amended to read as follows:

"Section 6. Based on information submitted to the Governor in the preliminary budget prepared by the Board of Control and on such other information as the Governor may have secured through public hearings and reports from the State Auditor, and from other sources, the Governor shall proceed to enter in the columns reserved for that purpose on said preliminary budget his own recommendation on each proposed item of said budget. The Governor's recommendation on each item in said budget shall represent his own conclusion and judgment as to the amount which should be appropriated for each of said items, and if the Governor believes that an item should be entirely eliminated he will so indicate by leaving the column blank opposite the recommendation of the Board of Control. When the Governor has completed his examination of and recommendations concerning the budget he shall return it to the Board of Control not later than December 5th, and the Board of Control shall, on or before January 5th immediately preceding the regular biennial session of the Legislature, deliver to each person who will be a member of the next Legislature, to the heads of each department, institution, or other agency included in such budget, a copy of the budget as prepared, including the amounts recommended for each item contained in said budget by the Board of Control and also the amounts recommended by the Governor. The Board of Control shall also cause to be printed such extra copies of the budget as in their judgment are necessary for public distribution."

REDDITT.

Read and adopted.

Amendment No. 3.

Amend S. B. No. 383 by adding Section No. 4, which amends Sec. 4 of Chapter 206 of the General Laws of the Forty-second Legislature, and said section is hereby amended to read as follows:

"Section 4. On or before the 1st day of October of the year immediately preceding the regular biennial session of the Legislature,

the State Auditor shall secure, compile and submit to the Governor and the Board of Control a report containing the following information:

(1) An itemized, complete, financial balance sheet for the State at the close of the preceding fiscal year.

(2) An estimate of the maximum amount of revenue which may become available for appropriations by the Legislature during the ensuing biennium for which appropriations are to be made, the purpose of said statement from the State Auditor being to place in the hands of the Governor and the Board of Control, reliable information as to the maximum amount of revenue which the State could collect during each of the ensuing appropriation years, from all sources, under existing tax laws."

REDDITT.

Read and adopted.

Amendment No. 4.

Amend S. B. No. 383, by adding thereto Section 19-a, which will add to Sec. 19 of Chapter 206 of the General Laws of the Forty-second Legislature, a new section known as Section 19-a which is as follows:

"Section 19-a. The filing with the State Comptroller of Public Accounts of extra copies of budget statements of counties, cities, school districts and other political subdivisions of the State as now provided in this Chapter shall not hereafter be required."

REDDITT.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 383 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Holbrook.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Pace.
Greer.	Parr.

Patton.	Sanderford.
Poage.	Small.
Purl.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Read third time and finally passed.

Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which S. B. No. 470 was finally passed and spread the motion on the Journal.

Free Conference Report.

Senator Holbrook called for the consideration of the free conference committee report on H. B. No. 169 (Eleemosynary appropriations).

Senator Woodul raised the point of order that under the previous agreement to take up S. B. No. 50 when the Journals arrived, since the Journals were now on the Senators' desks, S. B. No. 50 was pending business, the pending question was the adoption of the amendment by Senator Woodruff, and, under the ruling of the Chair yesterday, a free conference committee report was not in order at this time.

The Chair, Senator Hornsby, overruled the point of order, holding that this bill was a general appropriations bill and under the joint rules was entitled to priority of consideration.

Senator Neal moved to re-refer the report to the committee and instruct the committee to increase the salaries of teachers in the eleemosynary institutions.

Senator Holbrook moved to table the motion. The motion to table prevailed.

Senator Moore moved to reconsider the vote by which the motion to instruct the committee was tabled.

Senator DeBerry raised the point of order that a motion to reconsider a motion to table was not subject to debate because the motion to table is not subject to debate.

The Chair, Senator Hornsby, sustained the point of order.

Senator Holbrook moved to table the motion to reconsider. The motion to table prevailed by the following vote:

Yeas—18.

Beck.	Murphy.
Blackert.	Pace.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Redditt.
Fellbaum.	Regan.
Holbrook.	Sanderford.
Hornsby.	Woodruff.
Martin.	Woodul.

Nays—9.

Duggan.	Purl.
Greer.	Russek.
Moore.	Small.
Neal.	Stone.
Parr.	

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

The report was adopted by the following vote:

Yeas—23.

Beck.	Neal.
Blackert.	Pace.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Woodruff.
Martin.	Woodul.
Murphy.	

Nays—4.

Moore.	Small.
Parr.	Stone.

Absent—Excused.

Hopkins.	Rawlings.
Oneal.	Woodward.

Senate Bill No. 50.

The Chair laid before the Senate as pending business the following bill:

By Senator Blackert:

S. B. No. 50, A bill to be entitled "An Act to amend Articles 6050, 6058, 6059, as amended, 6060, as

amended, 6066, as amended, Revised Civil Statutes of Texas, 1925, and by adding Articles 6058-a and 6058-b, so as to more clearly define gas utility and to prohibit the raising of domestic and commercial rates in unincorporated towns and in incorporated towns of less than 500 population, and of rural subscribers without notice and hearing; to authorize the Railroad Commission of Texas to make appraisals and audits in incorporated towns and cities of 10,000 population or less; to authorize the Railroad Commission under certain conditions to aid cities of 10,000 population, or more, in making an appraisal of the properties and an audit of the accounts of the gas utility, or gas utilities serving such cities; to provide for the necessary funds and organization in carrying out the provisions of this Act; providing that if any provision of this Act is declared invalid or unconstitutional that it shall not effect any other provision of this Act; and declaring an emergency."

The question recurred upon the pending amendment (by Senator Woodruff).

Senator Moore sent up the following amendments to the amendment:

Amend Woodruff amendment to S. B. No. 50 by adding a new section to be known as Section 9-a which shall read as follows:

Section 9-a. It is specifically provided herein that the provisions of this Act shall not apply to telephone or telephone companies, either directly or indirectly.

MOORE.

The amendment to the amendment was read.

Amend Woodruff amendment to S. B. No. 50 by striking out the words and all reference to "telephone" and "telephone companies."

MOORE.

The amendment to the amendment was read.

Recess.

On motion of Senator Purl, the Senate, at 11:56 o'clock a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called

to order by Lieutenant Governor Edgar E. Witt.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following joint resolutions:

H. J. R. No. 14, Proposing an amendment to Article V, of the Constitution of the State of Texas, by adding a new section thereto with four lettered subdivisions, providing for the abolishment of the fee method of compensating county and precinct officers, and providing that all such officers be paid on a salaries basis, and providing for the payment of all fees into the county treasury; and conferring upon commissioners court general management and control of county affairs; and providing for the appointment of certain officers by the commissioners court, and the combining of any such offices, etc.; repealing all provisions of the Constitution in conflict therewith; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

H. J. R. No. 32, Proposing an amendment to Section 1-a, Article VIII, of the Constitution of the State of Texas, exempting three thousand (\$3,000.00) dollars of the assessed value of all residence homesteads, as now defined by law, from all taxation for all State purposes, excepting until the expiration of such remission period, or the need of such remission, that portion of the State ad valorem taxes remitted within certain counties and political subdivisions now receiving a remission of such taxes; providing for submission of same to the qualified electors of the State; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication, and election.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Resolutions Referred.

H. J. R. No. 14, referred to Committee on Constitutional Amendments.

H. J. R. No. 32, referred to Committee on Constitutional Amendments.

Message From the Governor.

Executive Department,
Austin, Texas, April 20, 1933.
To the Forty-third Legislature of Texas:

I herewith transmit to you a communication (with bill attached) from Honorable Aubrey Williams of the American Welfare Officials Association who is at the present time acting for and in connection with the R. F. C. relief activities in Texas, suggesting the passage of legislation that will create a proper agency for the State of Texas to confer and negotiate with the Federal government in the distribution of various funds that may be made available for distribution in Texas from time to time.

If the relations of our State with the Federal government are to continue indefinitely and along broad and comprehensive lines, it appears that the suggestions made by Mr. Williams are worthy of your earnest consideration and are at the same time necessary if our relations with the Federal government are to be harmoniously and effectively continued.

I submit to you as emergency legislation the question and matters mentioned in the communication from Mr. Williams to me as Governor of the State.

Respectfully,

MIRIAM A. FERGUSON,
Governor of Texas.

April 19, 1933.

Her Excellency, Miriam A. Ferguson,
Governor of Texas, Austin, Texas.

Your Excellency: I have the honor of submitting herewith for your consideration a measure designed to aid the unemployed and those in economic distress in the State of Texas. I am sure that there is no necessity on my part to impress upon you the suffering, denial and destitution to which thousands of the very best people of your State are being subjected daily. Nor, I am equally sure, need any one dwell upon the responsibility of public officials to do everything possible through wise planning and vigorous action that will secure employment for those now unable to find work.

The measure which I am suggesting for your consideration provides

for the unifying and coordinating under one State body the duty of assisting in the securing and administration of all funds now available to the citizens of Texas by the various Acts of Congress designed to aid the unemployed. I refer to funds for self-liquidating projects, such as sewerage disposal plant projects, municipal water works construction projects, etc., for which funds are available under the Emergency Relief and Reconstruction Act, and under the present Wagner Public Employment Bill. There has been very little use of these funds up to now, due in a great part to the difficulty of getting projects agreed upon and properly worked out.

I conceive it as our duty to undertake a vigorous effort to develop projects of this nature, and to assist counties and cities in the working out of such projects in order that we may secure the necessary funds from Washington. Also, there are those projects that fall under the public works program that now and will in increasing size constitute the major means of placing men back at gainful employment. There is great necessity here for some State group whose business it will be to bring these things to the attention of Washington, and to present the case of Texas in a proper technically correct manner. There are numerous other funds that are now available which somebody should be at work developing and getting used in Texas.

In proposing this measure, I have in mind providing such an agency for the next two years, by which time it is to be hoped Texas shall have arisen from this direful condition. I regard such an agency not only necessary from the practical necessity of the plight of the 267,000 unemployed heads of families in Texas, but am advised by those close to the situation in Washington that such an agency of this kind will have a much larger usefulness if it is set up by the Legislature, and bears its stamp of approval.

I shall not go into the details of the measure, except to say that, as proposed, it is a grant of power to a commission of seven to be appointed by the Governor, the Lieutenant Governor and the Speaker of the House of Representatives, for a period limited to two years. The mem-

bers are to serve without compensation, except for their travel and subsistence expenses. The working staff is to be under a director to be appointed by the Governor.

County units are provided for in the bill in order that the whole State will have the benefit of a coordinated systematic approach.

The sum of one hundred thousand dollars has been put down for administrative purposes and is to be made available to the commission for the purpose of defraying the necessary cost of carrying on the work of promoting and administering the funds secured from the Federal government. In this connection I wish to call your attention to the fact that we are here dealing with large possibilities for the aid of our distressed and destitute fellow citizens, as well as for the revival of agriculture and business, and that a small sum of money put into the undertaking, much after the historical cup of water that is used to prime the pump, should result in a flow of greatly enlarged sums of money to aid those now in such great need. It should be of interest to the members of the Legislature that Texas has so far secured \$6,940,494.00 from the Federal government for relief and work relief of the unemployed through the Reconstruction Finance Corporation and, that due to lack of proper coordination a large part of this huge sum has either been direct charity or has been expended upon projects without permanent value.

In addressing you this letter and submitting this proposed measure, I am actuated by the earnest desire to render some lasting service to the people of your State whom I have come to greatly admire and respect during my sojourn here.

With highest esteem, I am

Cordially yours,

AUBREY WILLIAMS.

Message From the Governor.

Executive Department,
Austin, Texas, April 20, 1933.
To the Forty-third Legislature of Texas:

At the request of Hon. Pat Jefferson, member of the House of Representatives, and members of the Brotherhood of Railway Employees, I submit for your consideration as emergency legislation the question

of the attached bill, being "An Act to define and limit the jurisdiction of courts, and their purposes, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, April 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 435. The following are conferees on the part of the House:

Burns, Van Zandt, Lemens, Ratliff, and Beck.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the free conference committee report on H. B. No. 150 by a vote of 123 yeas and 5 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: H. C. R. No. 69, Requesting permission to suspend Special House Joint Rule No. 8.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Committee of the Whole.

By unanimous consent, the Senate resolved itself into a committee of the whole for the purpose of hearing Hon. Aubrey Williams and considering the subject matter of the Governor's message.

The Chair appointed President Pro Tem. Walter Woodul chairman of the Committee of the Whole.

In Session.

The Senate was called to order by Lieutenant Governor Edgar E. Witt at 2:30 o'clock p. m.

Senate Bill No. 50.

The question recurred upon the pending amendment to the amendment to S. B. No. 50.

Motion to Take up H. B. No. 878.

Senator Stone moved to suspend the regular order of business and take up H. B. No. 878.

Senator DeBerry objected to Senator Purl (speaking) yielding for the motion.

Senator DeBerry raised the point of order that the motion was out of order while the pending amendment to S. B. No. 50 was being discussed.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator DeBerry sent up the following statement in connection with his point of order:

"Senator Purl had the floor discussing a pending amendment to S. B. No. 50. Senator Stone asked Senator Purl to yield to make a motion. Senator DeBerry insisted Senator Stone state the purpose and type of his motion, and when Senator Stone said he intended to move to suspend the regular order of business and take up H. B. No. 878, Senator DeBerry objected, and the Chair overruled his objection."

Senator Moore raised the point of order that this bill could not be considered at this time because it was a general bill, had been ordered printed, but had not been printed and placed on the Senators' desks.

The Chair, Lieutenant Governor Edgar E. Witt, held that the rule requiring bills to be printed could be suspended by a two-thirds vote.

Senator Moore raised the point of order that the motion to suspend this rule should have been made at the time the committee report was filed.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Moore moved as a substitute for the motion to take up the bill that it be re-committed to the Committee on State Affairs.

Senator DeBerry raised the point of order that the substitute motion was out of order because pending business could not be displaced by a motion to re-commit a bill.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator DeBerry raised the point of order that a Senator could not, without the consent of the Senate, be recognized by the Chair to make a motion to suspend pending business and take up another bill simply by getting the consent of the member speaking.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator DeBerry filed the following rule and annotation in support of his point of order:

Page 453, Texas Legislative Manual, 1931, Rule 20:

"While a member has the floor no member shall interrupt him or otherwise interrupt the business of the Senate except for the purpose of making a point of order, calling him to order, or for the purpose of moving the previous question, or for the purpose of demanding that a point of order under discussion or consideration be immediately decided; and any member shall, though another member has the floor, be recognized by the presiding officer, and be in order to call to order the member, to make a point of order, or to move the previous question, or to demand that a point of order be immediately decided."

Annotation: A member may yield the floor for the consideration of certain measures and resume later if consent is given by the Senate.

Senator DeBerry raised the point of order that Senator Neal could not yield the floor for the passage of local bills and continue to hold the floor without the unanimous consent of the Senate.

The Chair, Lieutenant Governor Edgar E. Witt, held that a Senator could continue to hold the floor if he yielded for the passage of other

bills with the specific understanding on the part of the Senate that he was yielding for that purpose only and would not thereby lose the floor and unanimous consent was given to the other matter taken up. (Forty-second Reg.)

Senator Neal raised the point of order that Senator Stone's motion was out of order because Senator Moore had previously announced that he would bring up his motion to re-commit the bill at the first opportunity.

The Chair held that it would first be necessary for the motion by Senator Stone to be adopted, which would require a two-thirds vote; then Senator Moore's motion would be in order and could be adopted by a majority vote.

Senator Purl inquired whether the motion to take up the bill were debatable.

The Chair, Lieutenant Governor Edgar E. Witt, held that the motion was debatable.

Senator DeBerry raised the point of order that Senator Purl (who was speaking and yielded for the motion by Senator Stone) could not yield for this motion and continue to hold the floor following the disposition of the motion and subsequent action on the bill covered by the motion.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Collie raised the point of order that Senator Purl could not yield to Senator Stone (to make the motion) and continue to hold the floor without the unanimous consent of the Senate.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

The motion to suspend the regular order of business and take up H. B. No. 878 prevailed by the following vote:

Yeas—22.

Cousins.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Murphy.	Regan.

Sanderford.
Small.
Stone.

Woodruff.
Woodul.
Woodward.

Nays—6.

Blackert.
Collie.
DeBerry.

Greer.
Moore.
Neal.

Absent.

Beck.

Russek.

Absent—Excused.

Oneal.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 878, A bill to be entitled "An Act amending Section 1, of Chapter 58, of the General Laws, of the Forty-second Legislature, Regular Session, re-defining marginal wells, and declaring an emergency."

Read second time.

Senator Moore moved to re-commit the bill to the Committee on State Affairs. The motion was lost by the following vote:

Yeas—5.

Greer.
Moore.

Neal.
Purl.

Nays—22.

Collie.
Cousins.
Duggan.
Fellbaum.
Holbrook.
Hopkins.
Hornsby.
Martin.
Murphy.
Pace.
Parr.

Patton.
Poage.
Rawlings.
Redditt.
Regan.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Present—Not Voting.

Blackert.

DeBerry.

Absent.

Beck.

Russek.

Absent—Excused.

Oneal.

Senator Stone asked unanimous consent to suspend the rule requiring committee reports to lie over one day and the bill to be printed.

Objection was heard.

Senator Stone moved to suspend the rule. The motion prevailed by the following vote:

Yeas—22.

Collie.	Patton.
Cousins.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—5.

DeBerry.	Neal.
Greer.	Purl.
Moore.	

Present—Not Voting.

Blackert.

Absent.

Beck. Russek.

Absent—Excused.

Oneal.

H. C. R. No. 69.

The Chair laid before the Senate: H. C. R. No. 69, Suspending Special Joint Rule No. 8.

The resolution was read.

Senator Hopkins sent up the following amendment:

Amend H. C. R. No. 69 by striking out all of the last paragraph thereof after the word "suspended" in line 3 of said last paragraph, and insert in lieu thereof the following, to-wit:

"In order that the House of Representatives of the State of Texas may take up out of its regular order and consider House Bill No. 154 and that one bill only, and said rule is hereby ordered suspended for the consideration of said House Bill No. 154; provided, however, that nothing in this resolution contained shall be construed to suspend said Special Joint Rule No. 8, for any purpose other than the consideration by the House of Representatives of said House Bill No. 154."

HOPKINS.

Read and adopted.

The resolution as amended was adopted.

Senate Simple Resolution No. 91.

Senator Regan sent up the following resolution:

Whereas, On the historic date of April 21, 1836, on the banks of the San Jacinto River, near the present city of Houston, Texas, was fought one of the memorable battles of this Nation, the result of which was to forever sever Texas from Mexico; and

Whereas, This date has been set aside as a statewide holiday and is generally observed, and because of its usual observance, many of the Senate pages' families have planned gatherings that include their sons; and

Whereas, It is the duty of older and more experienced persons to foster a spirit of patriotism in their juniors by an example worthy of emulation; now, therefore, be it

Resolved by the Senate of Texas, That the pages be excused from their duties tomorrow, April 21, 1933, for the purpose of celebrating San Jacinto Day.

Resolved, further, however, that if the Senate is in session tomorrow, April 21st, the Sergeant-at-Arms be instructed to retain on duty a sufficient number of pages to carry on their work.

REGAN,	PARR,
HORNSBY,	WOODUL,
MOORE,	REDDITT,
RAWLINGS,	COUSINS,
DUGGAN,	PATTON,
SMALL,	NEAL,
PURL,	HOPKINS.

Read and adopted.

Notice of Intent.

Senator Purl gave notice that at the conclusion of the session tonight, he would move to adjourn until Monday in honor of San Jacinto Day.

Recess.

On motion of Senator Woodul, the Senate, at 5:15 o'clock p. m., recessed until tonight at 8 o'clock.

After Recess.

The Senate met at 8 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 20, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has concurred in Senate amendments
to H. C. R. No. 69 by a vote of 112
yeas and 7 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 492.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Beck:

S. B. No. 492, A bill to be entitled
"An Act to amend Chapter 2, Title
78, Revised Civil Statutes of 1925,
permitting the organization of fra-
ternal benefit societies on a limited
basis; providing the requirements
that must be met before permit shall
be issued to such society by the In-
surance Department of the State of
Texas; providing that a society or-
ganized under this provision shall be
subject to all the provisions of
Chapter 8 that are applicable; re-
pealing all laws and parts of laws in
conflict herewith, and declaring an
emergency."

The committee substitute was
adopted.

The bill was read second time and
passed to engrossment.

On motion of Senator Hornsby,
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 492 was put
on its third reading and final pas-
sage by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Absent.

Holbrook.

Absent—Excused.

Hopkins.

ONeal.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

ONeal.

Senate Bill No. 275.

The Chair laid before the Senate
on its second reading the following
bill:

By Senators Redditt and Patton:

S. B. No. 275, A bill to be entitled
"An Act to transfer the funds of the
Sand, Shell and Gravel Fund, the
Fish and Oyster Fund and the Fish
Propagation and Protection Fund to
the Special Game Fund; providing
for the placing to the credit of the
Special Game Fund future collec-
tions provided for under the law that
now are placed to the credit of the
Sand, Shell and Gravel Fund, the
Fish and Oyster Fund and the Fish
Propagation and Protection Fund;
providing for what purposes the Spe-
cial Game Fund shall be spent and
declaring an emergency."

The committee report recommend-
ing that the bill be not printed was
adopted by unanimous consent.

The bill was read second time and
passed to engrossment.

On motion of Senator Redditt, the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 275 was put
on its third reading and final pas-
sage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Present—Not Voting.

Collie. DeBerry.

Absent—Excused.

Oneal.

House Bill No. 815.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Scott:

H. B. No. 815, A bill to be entitled "An Act to amend Special Laws, 1920, Thirty-sixth Legislature, Third Called Session, page 75, Chapter 30, Subdivision 8, known as Senate Bill No. 8, so as to provide for three local taxpayers to sit as a board of equalization, of which one shall be secretary of said equalization board, and shall fix a time for the meeting of

such board of equalization, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Collie, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 815 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Senate Bill No. 461.

The Chair laid before the Senate on its second reading the following bill:

By Senator DeBerry:

S. B. No. 461, A bill to be entitled

"An Act to amend Chapter 163, Acts of the Regular Session of the Forty-second Legislature, by adding thereto a new section restricting the interest rate to be borne by funding bonds, providing that the methods of authorizing and issuing and the interest rates of funding bonds as determined in said law shall take precedence of all special city charter provisions of the contrary, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 461 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Hopkins.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.

Poage.	Sanderford.
Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.

Absent—Excused.

Oneal.

House Bill No. 275.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tarwater:

H. B. No. 275, A bill to be entitled "An Act providing for a game breeder's license; the fee for same; effective date of such licenses; the privileges granted under such license, with certain restrictions; providing for keeping of record of the operation of game breeders; providing certain regulations in reference to the transportation of game, etc.; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 275 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Consins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed.

House Bill No. 709.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 709, A bill to be entitled "An Act authorizing the board of directors of any water improvement district or water control and improvement district within the State to remit, in whole, or in part, the penalties and interest on all ad valorem taxes levied by such districts that are now delinquent and/or past due and unpaid, and which are paid on or before December 31, 1933, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 709 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
Duggan.	Murphy.
Fellbaum.	Neal.
Greer.	Pace.
Holbrook.	Parr.
Hopkins.	Patton.

Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.
Sanderford.	

Nays—3.

Cousins.	Poage.
DeBerry.	

Absent—Excused.

Oneal.

Senate Bill No. 242.

The Chair laid before the Senate on its second reading the following bill:

By Senator Greer:

S. B. No. 242, A bill to be entitled "An Act to provide an emergency appropriation of one million, five hundred eighty-two thousand, eight hundred ninety-one (\$1,582,891) dollars, or as much thereof as may be necessary, to be used for the payment of salary aid, high school per capita aid, industrial aid, tax supplementary aid, high school tuition aid, transportation aid, consolidation bonus, repealing all laws in conflict herewith; and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 242 was put on its third reading and final passage by the following vote:

Yeas—24.

Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Beck.	Holbrook.
Blackert.	Hopkins.
Cousins.	Woodruff.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nays—1.

Stone.

Absent.

Holbrook.

Absent—Excused.

Oneal.

Senate Bill No. 337.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 337, A bill to be entitled "An Act to authorize the State Highway Commission of Texas to construct, operate and maintain, out of funds, available for that purpose, highway bridges over and across the Intracoastal Waterway of Louisiana and Texas; and declaring an emergency."

Read second time.

On motion of Senator Parr, the bill was laid on the table subject to call.

Senate Bill No. 170.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 170, A bill to be entitled "An Act amending Sections 3, 4, 14b, 14d and 14e, Chapter 88, Acts of the Second Called Session of the

Forty-first Legislature, so as to provide the license fees on motor vehicles imposed by Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, will not become delinquent until on and after April first of the calendar year for which the license fee is imposed; and prescribing a penalty for failure to comply with the terms of this Act."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 170 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.

Oneal.

Read third time and finally passed. Senators DeBerry, Murphy and Pace asked to be recorded as voting "Nay."

Senate Bill No. 412.

Senator Martin called up from the table the following bill:

By Senator Martin:

S. B. No. 412, A bill to be entitled "An Act amending Article 7076 of the Revised Civil Statutes of Texas, 1925; relating to the recovery of money and penalties due the State of Texas; providing for the venue in such suits; and declaring an emergency."

The bill was passed to engrossment.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 412 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Absent.

Holbrook.

Absent—Excused.

Beck. Oneal.

Read third time and finally passed by the following vote:

Yeas—22.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Nays—4.

Collie.	Poage.
Murphy.	Purl.

Present—Not Voting.

DeBerry.

Absent.

Holbrook. Woodruff.

Absent—Excused.

Beck. Oneal.

Senate Bill No. 337.

Senator Parr called up from the table S. B. No. 337.

Senator Purl sent up the following amendment:

Amend S. B. No. 337 by adding the following new section:

Provided, however, that none of the monies herein appropriated shall be spent on any roads except designated State highways.

PURL.

The amendment was read and adopted.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 337 by striking out the words and figures: "Provided, however, that the total sum expended by the said State Highway Commission for this purpose shall not exceed \$200,000" in lines 19 and 20, page 1, Section 1.

DeBERRY.

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 337 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Nay—1.

DeBerry.

Absent.

Holbrook. Woodruff.

Absent—Excused.

Beck. Oneal.

Read third time and finally passed. Senators DeBerry, Poage, Collie and Murphy asked to be recorded as voting "Nay."

Senate Bill No. 148.

Senator Hopkins called up from the table the following bill:

By Senator Hopkins:

S. B. No. 148, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas, 1925, by adding a new section to be known as 95a to provide for the creation of corporations for the purpose of dealing in agricultural commodities, poultry, dairy products and live stock produced in the United States; enumerating the power and authority of such corporations, and declaring an emergency."

The pending amendment (by Senator Purl) was adopted.

The bill was passed to engrossment.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 148 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent.

Holbrook. Woodruff.

Absent—Excused.

Beck. Oneal.

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.
Greer.	Neal.

Pace.	Russek.
Parr.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodul.
Redditt.	Woodward.
Regan.	

Nays—2.

Collie. Patton.

Absent.

Holbrook. Woodruff.

Absent—Excused.

Beck. Oneal.

Senate Bill No. 380.

The Chair laid before the Senate on its second reading the following bill:

By Senators Moore, Small, Regan and Purl:

S. B. No. 380, A bill to be entitled "An Act declaring it to be mandatory upon the Legislature of the State of Texas under the Constitution to enact laws to compel the conservation and development of the natural resources of this State, declaring the oil and gas resources of this State to be natural resources thereof attributing largely to the public welfare and declaring the orderly transportation and marketing of oil and gas to be an industry of great public importance; declaring the interest of the State of Texas in its oil and gas properties; declaring that present facilities for transportation and marketing of oil and gas do not provide for the orderly transportation and marketing thereof; and to preserve and promote the public interest and general welfare; creating the Texas State Oil and Gas Conservation and Marketing Association, a governmental agency and body corporate, with all general powers incidental thereto; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 380 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Read third time and finally passed
by the following vote:

Yeas—21.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Woodul.
Pace.	

Nays—6.

Collie.	Poage.
DeBerry.	Stone.
Murphy.	Woodward.

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Senate Bill No. 359.

The Chair laid before the Senate
on its second reading the follow-
ing bill:

By Senator Murphy:

S. B. No. 359, A bill to be entitled
"An Act to amend Article 261 of
the Revised Civil Statutes of 1925
relating to assignments for the bene-
fit of creditors; and declaring an
emergency."

The bill was read second time and
passed to engrossment.

On motion of Senator Murphy, the
constitutional rule requiring bills to

be read on three several days was
suspended and S. B. No. 359 was put
on its third reading and final pas-
sage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Read third time and finally passed
by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Senate Bill No. 171.

The Chair laid before the Senate
on its second reading the following
bill:

By Senators Neal, Hornsby, Poage,
Martin, Holbrook, and Small:

S. B. No. 171, A bill to be entitled
"An Act to prohibit the purchase of
motor vehicles by State officers or
employees in all cases where no
specific appropriation has been made
authorizing the same; providing that
the Comptroller be prohibited from

issuing or paying any warrant in violation of this Act; limiting the price to be paid for any motor vehicle or automobile; and declaring an emergency."

Read second time.

Senator Neal sent up the following amendment:

Amend S. B. No. 171 by striking out the words "\$850.00" and inserting in lieu thereof the words "\$750.00."

NEAL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 171 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Senate Bill No. 417.

The Chair laid before the Senate on its second reading the following bill:

By Senator Pace:

S. B. No. 417, A bill to be entitled "An Act providing that the notes, bonds, or other obligations or evidences of indebtedness of any person, firm or corporation holding mortgages or other liens on Texas real estate, may be tendered and shall be accepted in payment and satisfaction in whole or in part of the principal or interest due or to become due on such indebtedness, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 417 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Greer.
Collie.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.

Neal.	Regan.
Pace.	Russek.
Parr.	Sanderford.
Patton.	Small.
Poage.	Stone.
Purl.	Woodul.
Rawlings.	Woodward.
Redditt.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

House Bill No. 663.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 663, A bill to be entitled "An Act authorizing any common school district, independent school district, consolidated common school district, consolidated independent school district, county line school district, consolidated county line school district, or rural school district to hold an election for the purpose of the cancellation and revocation of any unsold school bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such school bonds; providing for the cancellation and destruction of such unsold school bonds retired by reason of such election, and the adjustment of existing tax levies, and refund of any taxes levied and collected in anticipation of the sale of such school bonds, etc.; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 663 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Woodul.
Russek.	Woodward.
Sanderford.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Senate Bill No. 319.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 319, A bill to be entitled "An Act fixing the amount of penalty and interest on delinquent taxes due the State of Texas, or any political subdivision thereof, regulating time of payment thereof, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read second time.

Senator Redditt received unanimous consent to amend the caption to conform to the body of the bill.

The bill was passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 319 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Nays—1.

Murphy.

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Senate Bill No. 44.

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage:

* S. B. No. 44, A bill to be entitled "An Act authorizing cities and towns to create appraisal boards for the purpose of valuing property within the limits of cities and towns for fire insurance purposes, and providing that where cities and towns acting under such authority create such board, then no fire insurance policy shall be issued upon property

within such city or town without obtaining a certificate of valuation from the board, and providing further that in the event fire insurance in excess of the value fixed by said board is placed upon any property and such property is destroyed or damaged, no loss resulting therefrom shall be taken into consideration in fixing fire insurance rates or determining insurance penalties to be assessed against such cities and towns."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Nays—2.

Collie.

Stone.

Absent—Excused.

Beck.

Oneal.

Holbrook.

Woodruff.

Pages Excused.

At 10 o'clock p. m., the Chair excused the pages.

Senate Bill No. 491.

The Chair laid before the Senate on its second reading the following bill:

By Senator Purl:

S. B. No. 491, A bill to be entitled "An Act authorizing the State Board of Control to compile and promulgate standard specifications for all State supplies; providing that the State Board of Control shall be authorized to make purchases based on such standards; providing that the State Board of Control shall request from The University of Texas, A. and M. College, Texas Technological College, and any other school or State and/or Federal agency, assistance in compiling and promulgating standard specifications, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 491 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.

Parr.

Collie.

Patton.

Cousins.

Poage.

DeBerry.

Purl.

Duggan.

Rawlings.

Fellbaum.

Redditt.

Greer.

Regan.

Hopkins.

Russek.

Hornsby.

Sanderford.

Martin.

Small.

Moore.

Stone.

Murphy.

Woodul.

Neal.

Woodward.

Pace.

Absent—Excused.

Beck.

Oneal.

Holbrook.

Woodruff.

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.

Parr.

Collie.

Patton.

Cousins.

Poage.

Duggan.

Purl.

Fellbaum.

Rawlings.

Greer.

Redditt.

Hopkins.

Regan.

Hornsby.

Russek.

Martin.

Sanderford.

Moore.

Small.

Murphy.

Stone.

Neal.

Woodul.

Pace.

Woodward.

Nays—1.

DeBerry.

Absent—Excused.

Beck.

Oneal.

Holbrook.

Woodruff.

Senate Bill No. 220.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 220, A bill to be entitled "An Act amending Section 1, Chapter 213, Acts of the Regular Session, Forty-second Legislature, Special Laws, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 220 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.

Parr.

Collie.

Patton.

Cousins.

Poage.

DeBerry.

Purl.

Duggan.

Rawlings.

Fellbaum.

Redditt.

Greer.

Regan.

Hopkins.

Russek.

Hornsby.

Sanderford.

Martin.

Small.

Moore.

Stone.

Murphy.

Woodul.

Neal.

Woodward.

Pace.

Absent—Excused.

Beck.
Holbrook.

Oneal.
Woodruff.

Read third time and finally passed
by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.
Holbrook.

Oneal.
Woodruff.

Senate Bill No. 77.

Senator Rawlings called from the
table the following bill:

By Senator Rawlings:

S. B. No. 77, A bill to be entitled
"An Act to amend Article 4145, Re-
vised Civil Statutes, so as to provide
that surviving guardians appointed
by will may be exempt from bond for
management of estate of minors."

Senator Rawlings sent up the fol-
lowing amendments:

Amend S. B. No. 77 by striking
out all of Section 1 after the colon
in line 13 of the printed bill and
substitute in lieu thereof the fol-
lowing:

"When the surviving parent or a
minor has provided by will, regu-
larly probated, that a guardian ap-
pointed by such will shall not be re-
quired to give bond for the manage-
ment of the estate devised by such
will, the direction shall be observed
not only as to such estate but as to
any life insurance that such parent
may leave in favor of such minor,
unless it be made to appear at any
time that such guardian is misman-
aging the property, or is about to
betray his trust; in which case, upon
proper proceedings had for that pur-
pose, such guardian may be required

by the court to give bond as in
other cases."

ONEAL.

Read and adopted.

Amend S. B. No. 77 by add-
ing thereto an additional section, to
read as follows:

"Section 3. The fact that the
present laws make no adequate pro-
vision for the protection and safe-
guarding of insurance funds left to
minors creates an emergency and an
imperative public necessity that the
constitutional rule requiring bills to
be read on three several days be
suspended, and the same is hereby
suspended, and this Act shall take ef-
fect and be in force from and after
its passage, and it is so enacted."

RAWLINGS.

Read and adopted.

The bill was passed to engross-
ment.

On motion of Senator Rawlings,
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 77 was put
on its third reading and final pas-
sage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Beck.
Holbrook.

Oneal.
Woodruff.

Read third time and finally passed
by the following vote:

Yeas—27.

Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Pace.
Greer.	Parr.
Hopkins.	Patton.

Poage.	Sanderford.
Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodul.
Regan.	Woodward.
Russek.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Woodruff.

Senate Bill No. 137.

The Chair laid before the Senate on its second reading the following bill:

By Senator Fellbaum:

S. B. No. 137, A bill to be entitled "An Act to authorize and empower parties to make the State of Texas a defendant to causes of action affecting real estate for the purpose of determining priority of liens whenever it appears that the State has a recorded judgment lien or liens on such real estate where such judgment lien arose out of a judgment of forfeiture of a bail bond; providing for a method of procedure, and limiting the right of joinder to that particular class of cases enumerated; providing that no costs or money judgment shall be rendered against the State; providing that if a part of this Act is declared unconstitutional it shall not affect the remaining parts of this Act, repealing all laws in conflict herewith and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Fellbaum, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 137 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Senator Excused.

On motion of Senator Redditt, Senator DeBerry was excused for the remainder of the evening.

Senate Bill No. 493.

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 493, A bill to be entitled "An Act to repeal Article 587, of the Penal Code, Acts 1909, page 289, Acts 1921, page 152."

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 493 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
Duggan.	Murphy.
Fellbaum.	Neal.
Greer.	Pace.
Hopkins.	Parr.

Patton.	Russek.
Poage.	Sanderford.
Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodul.
Regan.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Consins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Senate Bill No. 4.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 4, A bill to be entitled "An Act to amend Article 5006 of the Revised Civil Statutes of Texas of 1925 so as to include the bonds or other interest-bearing evidence of indebtedness of navigation districts among those in which insurance companies are authorized to invest their funds; and declaring an emergency."

Read second time.

Senator Woodul sent up the following substitute for the committee amendments:

Amend S. B. No. 4, line 31, by adding a comma after the word "district" in line 31, and adding the following:

"such navigation district to contain a population of not less than 359,000 according to the last pre-

ceding Federal census." And amend the caption to conform.

WOODUL.

Read and adopted.

The amendment as substituted was adopted.

The bill was passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 4 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Senate Bill No. 361.

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 361, A bill to be entitled "An Act authorizing W. B. Cross of Travis County, Texas, as innocent purchaser of certain deficiency certificates issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; and providing that suit, or suits, may be maintained by said W. B. Cross for himself on said deficiency certificates now held by him and also by the said W. B. Cross for and on behalf of other holders of deficiency certificates issued by the Comptroller of the State of Texas and who are now holding the same as innocent purchasers and which were covered by appropriation made in H. B. No. 397, Chapter 108, Acts of the Regular Session of the Forty-second Legislature of the State of Texas; defining 'Innocent Purchasers,' and procedure for said suits; and providing for the methods and time of payment and appropriating funds out of which payment may be made; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 361 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Cousins.
Collie.	Duggan.

Fellbaum.	Poage.
Greer.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Pace.	Woodul.
Parr.	Woodward
Patton.	

Nays—1.

Stone.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Senate Bill No. 5.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 5, A bill to be entitled "An Act to amend Article 2029 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 124 of the Acts of the Regular Session of the Forty-first Legislature of the State of Texas, so as to add navigation districts bonds to those acceptable for deposit by State depositories; and declaring an emergency."

Read second time.

Senator Woodul sent up the following substitute for committee amendment No. 1:

Amend S. B. No. 5 by striking out the semicolon at the end of line 35, page 1, and inserting in lieu thereof a comma, and adding thereafter the following:

"such navigation districts having a valuation in excess of two hundred million (\$200,000,000.00) dollars," and amend the caption to conform.

WOODUL.

Read and adopted.

The amendment as substituted was adopted.

Committee amendment No. 2 was read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Read third time and finally passed
by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Senate Bill No. 429.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Woodul:

S. B. No. 429, A bill to be entitled
"An Act to provide and establish
the two-platoon system for firemen
in all cities of fifty thousand inhabi-
tants or more in this State, accord-
ing to the last preceding Federal
census, and providing the number of
hours such firemen shall be on duty;
and providing a penalty for the vio-
lation of same, and declaring an
emergency."

The three committee amendments
were adopted.

The bill was read second time and
passed to engrossment.

On motion of Senator Woodul, the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 429 was put
on its third reading and final passage
by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Read third time and finally passed
by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Consins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Senate Bill No. 56.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Woodward:

S. B. No. 56, A bill to be entitled
"An Act withdrawing from appear-
ing party review in Court of Civil
Appeals by means of writ of error
and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 56 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Consins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Consins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Senate Bill No. 360.

The Chair laid before the Senate on its second reading the following bill:

By Senators Hornsby and Beck:
S. B. No. 360, A bill to be entitled
"An Act authorizing the Republic Bank & Trust Company of Austin, Texas, and the First National Bank

of DeKalb, Texas, at DeKalb, Texas, as innocent purchasers of certain deficiency certificates issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; defining 'innocent purchasers,' and procedure for said suits; and providing for the method and time of payment and appropriating funds out of which payment may be made; and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment:

Amend S. B. No. 360 by striking out all of Section 2.

POAGE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 360 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.

Redditt. Small.
Regan. Woodul.
Russek. Woodward.
Sanderford.

Nays—1.

Stone.

Absent—Excused.

Beck. Oneal.
DeBerry. Woodruff.
Holbrook.

Congratulations to Senator Neal.

The Chair and Senator Parr extended to Senator Neal congratulations on her birthday.

Senator Neal expressed her appreciation.

Request Concerning H. B. No. 122.

Senator Woodward received unanimous consent for consideration of H. B. No. 122 to follow immediately the disposal of H. J. R. No. 43.

Recess.

On motion of Senator Hopkins, the Senate, at 11:40 o'clock p. m., recessed until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 331 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 312 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 145

carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 383 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 19, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 71, A bill to be entitled "An Act to amend Article No. 1302 of the Revised Civil Statutes of Texas of 1925, by adding thereto a subdivision to be known as No. 95, to read as follows: 'Subdivision 95. Corporations may be created for, or after being created, charters may be amended to include the construction, maintenance, and operation of radio broadcasting equipment and stations,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

COLLIE, Chairman.

Committee Room,
Austin, Texas, April 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 709, A bill to be entitled "An Act authorizing the Board of Directors of any water improvement district or water control and improvement district within the State to remit, in whole or in part the penalties and interest on all ad valorem taxes levied by such districts that are now delinquent and/or past due and unpaid, and which are paid on or before December 31, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be not printed.

WOODUL, Chairman.

Committee Room,

Austin, Texas, April 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 647, A bill to be entitled "An Act to amend Article 4686 of the Revised Civil Statutes of 1925 by prohibiting individuals, not otherwise expressly permitted by statutes, to engage in the business of insuring others against insurable losses; providing that the Board of Insurance Commissioners shall be satisfied that any insurance carrier applying for a certificate of authority has in all respects complied with the laws of this State; providing that it shall be the duty of the Board of Insurance Commissioners to issue to such qualified carrier a certificate of authority under its seal, authorizing such carrier to transact an insurance business, naming the particular kinds of same, for a period of not more than twelve (12) months, and such authority not to extend beyond the last day of February following the date of issuance of said certificate; defining the term 'carrier,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PURL, Chairman.

Committee Room,

Austin, Texas, April 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 890, A bill to be entitled "An Act to authorize and provide a method for the Commissioner of the General Land Office to lease to the Alejandro G. Trevino Post No. 390 of the American Legion of Willacy County, Texas, certain submerged land under the waters of Red Fish Bay in Willacy County, adjacent to certain tract of land now

owned by said American Legion Post which fronts on said bay and prescribing the terms and conditions of such lease; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, April 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 14, A joint resolution Proposing an amendment to Article IX of the Constitution of the State of Texas, by adding a new section to be numbered Section 2-A, said section to have six (6) lettered subdivisions, providing for the abolishment of the fee method of compensating all district officers in this State, and county officers in counties of this State having a population of twenty thousand (20,000) or more, and providing that all such district and county officers be paid on a salary basis; and providing that all precinct officers may be compensated on a fee basis or on a salary basis, and providing for the payment of fees into the county treasury, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MURPHY, Vice-Chairman.

Committee Room,

Austin, Texas, April 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 461,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be not printed.

COLLIE, Chairman.

Committee Amendment.

Amend S. B. No. 461 by making caption conform with the body of the bill.

Committee Room,
Austin, Texas, April 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred S. B. No. 455,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached committee substitute do pass in lieu thereof and be printed.

DeBERRY, Chairman.

C. S. S. B. No. 455.

A BILL To Be Entitled

An Act, the purpose of which is to safeguard the health of the people of this State by insuring the sanitary and healthful production and distribution of fluid milk and sweet cream; defining fluid milk and sweet cream; butter fat and milk distributors; providing for the regulations of the sale and distribution of milk and sweet cream in city or town in which the distribution of milk is governed by a standard ordinance, rule or regulation and providing for a certificate of authority to be issued by the Commissioner of Agriculture authorizing the distribution of milk and sweet cream in such city or town; preventing the sale of milk and sweet cream below cost; preventing the discrimination in price between different producers or distributors or between different sections; providing fees to be paid by the distributors which shall be used in the enforcement of this Act; providing penalties for violation of the provisions of this Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1 (a) The term "person" when used in this Act means an individual, firm, co-partnership or corporation, distributing, manufacturing or otherwise dealing in milk and/or milk products in the State of Texas.

(b) The term "fluid milk" when used in this Act means the fresh, clean lacteal secretion obtained by milking cows, and which secretion has not soured, nor been skimmed

or separated so as to have had substantially all the butter fat removed therefrom, nor been churned, nor been evaporated or condensed, nor been reduced to a powdered form.

(c) The term "sweet cream" when used in this Act means that portion of fluid milk rich in butter fat which rises to the surface of milk on standing, or is separated from milk by centrifugal force. For the purpose of this chapter, any fluid milk which has its natural butter fat content increased so as to cease to come under the definition of fluid milk shall be deemed to be sweet cream.

(d) The term "butter fat" when used in this Act means the natural occurring fat from the milk of cows.

(e) The term "Commissioner" when used in this Act, means the Commissioner of Agriculture of the State of Texas.

(f) The term "milk distributor" when used in this Act means any person or corporation as herein defined who engages in the process of placing fluid milk or sweet cream in bottles or containers of less size than one gallon capacity for the purpose of selling or offering for re-sale, such fluid milk or sweet cream in such bottles or containers, or who purchases fluid milk or sweet cream in containers of a capacity of one gallon or more for the purpose of reselling or offering for re-sale such fluid milk or sweet cream in any size bottle or container, and any such person or corporation shall be deemed to be engaged in the business of distributing fluid milk or sweet cream.

Sec. 2. The terms and provisions of Section Three of this Act shall apply only to those cities and towns in which regulations are imposed by city ordinances or other city governing bodies, requiring certain standards and promulgating rules governing the sanitary and healthful production of milk. The application of Section Three of this Act to any city or town so establishing and promulgating rules and regulations shall be for the purpose of putting into effect and of making possible the application of such standards, rules and regulations.

Sec. 3. The buying or selling of milk or milk products below cost with the intent and with the effect

of injuring a competitor and where the effects may be to lessen competition or tend to create a monopoly or restrain trade is hereby declared to be unlawful.

In determining "cost" of milk and milk products the Commissioner shall take into consideration and have due regard for the expense of preserving, handling and selling milk and milk products as well as the purchase price of such products and it shall bear its proportion of general cost of doing business, including overhead, interest and any and all items which are taken into consideration in the determination of general costs. The Commissioner shall have the right to examine the records of such parties and persons dealing in milk and milk products for the purpose of determining cost.

No person engaged in the production or distribution of milk or milk products in the course of such business shall either directly or indirectly discriminate in price between different producers or distributors of milk or milk products where the effect of such discrimination may be to substantially lessen competition or create a monopoly; such discrimination is hereby declared to be unlawful; provided, however, that nothing herein contained shall prevent discrimination in price between producers or distributors of the same class on account of reasonable differences in grade, quality, or quantity of the products or that makes due allowance for difference in the cost of selling or transporting, or discrimination in price in the same or different communities made in good faith to meet legitimate competition, and provided further that nothing herein contained shall prevent such person engaged in buying or selling milk or milk products from selecting their own customers in bona fide transactions and not in restraint of trade.

Sec. 4. It shall not be lawful for any person to engage in the business of distributing fluid milk or sweet cream in any city or town where there exists standard ordinances or rules and regulations governing the sale and distribution of milk without first procuring an annual certificate of authority from the Commissioner of Agriculture, and before issuing such certificate the Com-

missioner shall satisfy himself that said applicant is meeting the requirements of said ordinance or rules and regulations adopted in such city or town.

Sec. 5. The Commissioner shall have the power and authority and it shall be his duty to prevent the purchase or sale of milk or milk products in this State in violation of Sections 3 or 4 of this Act. Upon the written request of one representative producer, one representative distributor and one representative consumer it shall be the duty of the Commissioner to conduct a hearing either in person or by certified transcript and proper affidavits to determine whether or not Sections 3 and 4 of this Act have been violated. The hearing shall be conducted at a place and at a time determined by the Commissioner, and he shall have the right to subpoena witnesses. Upon the conclusion of such hearing the Commissioner shall have the power to make and enter proper orders, revoking the license of any person found to have violated Sections 3 or 4 of this Act, and to determine when and upon what conditions such license may be renewed. All orders made and entered by the Commissioner shall be final unless written protest by such interested person shall be made to the Commissioner within thirty days after the hearing. It shall be the duty of the Commissioner, within five days after said protest, either to modify or withdraw such orders, or refuse to modify or withdraw such orders and if such orders are not modified or withdrawn, the interested person or persons shall have the right to appeal to the district court in which such protesting party resides for relief, which shall be secured under a trial de novo. In such suit the Commissioner shall be represented by the Attorney General.

Sec. 6. Any person who shall violate any provision of this Act shall be subject to a fine of not more than one hundred (\$100.00) dollars and each wrongful sale as herein above defined shall constitute a separate offense, provided, however, that no person shall be liable for any fine until after a fair and complete hearing before a regularly constituted court of this State.

Sec. 7. The certificate of author-

ity shall state the maximum daily gallonage of fluid milk and sweet cream aggregately that may be handled as herein provided by the person or corporation to whom it is issued. It shall be unlawful for any such person, firm or corporation to handle during any day an amount of fluid milk and sweet cream in excess of the maximum daily gallonage authorized by said certificate of authority. The gallonage of fluid milk and sweet cream handled shall be determined by the amount of such fluid milk and sweet cream aggregately which is purchased by the person or corporation which engaged in the business of distributing fluid milk or sweet cream, except that if the milk distributor produces such fluid milk or sweet cream then the gallonage handled shall be determined by the amount of such fluid milk and sweet cream aggregately which is sold by such milk distributor.

Sec. 8. For the purpose of defraying the expenses of administering and enforcing this Act, every milk distributor now operating or which shall hereafter operate in this State, shall, in addition to other fees and charges provided for by law, at the time of the issuance of a certificate of authority as provided herein, and annually thereafter, on or between September 1 and September 15 of each calendar year, pay a fee computed on the basis of not to exceed ten cents per gallon of the maximum daily gallonage of fluid milk and sweet cream which such milk distributor may be authorized to handle. If the certificate of authority is issued after the month of September of any year, the fees shall be proportionate to the remaining part of the year ending August 31, following, but in no case less than one-fourth ($\frac{1}{4}$) of the annual fee, provided that said certificate may be amended at any time so as to allow any necessary increase, upon the payment of additional fees at the rate herein provided.

All fees accruing hereunder shall be payable to the State Treasurer at Austin, Texas, and shall by the State Treasurer be deposited in the State Treasury at Austin and credited to the fund to be known and designated as the "Milk Distribu-

tion Fund," and out of which all warrants for expenditures necessary in administering and enforcing this Act shall be paid. Such warrants shall be drawn by the Comptroller of Public Accounts on order or voucher approved by the Commissioner of Agriculture. Any surplus remaining in the milk distribution fund at the end of any fiscal year after paying all expenditures necessary in administering and enforcing this Act, together with such sum as may be reasonably estimated to be necessary for such purposes by the Commissioner pending further collection of fees, shall be paid over to the general revenue fund.

Sec. 9. The Commissioner shall have the power and authority and it shall be his duty to do and perform all necessary things to carry out the purposes, intent, and provisions of this Act whether herein specifically mentioned or not, and in addition to the other penalties herein provided, the Attorney General at the direction of the Commissioner shall enjoin any practice or method violative of this chapter in a court of competent jurisdiction in the county where such violations occur.

Sec. 10. If any section or provision of this Act should be declared unconstitutional or invalid for any reason, it shall not affect any other provision or portion of this Act, and the same shall remain in full force and effect.

Sec. 11. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Sec. 12. The importance of this Act and the fact that there is no law regulating the production and distribution of fluid milk and sweet cream, and the necessity for protecting and safeguarding the health of the people of this State in the regulated production of sanitary milk, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.